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2 Attorney at Law  
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4 Mandan, North Dakota 58554  
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6 McClenningLaw@gmail.com

7 Attorney for Plaintiff Jona De Jesus

12 SEP 12 PM 1:33  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY: \_\_\_\_\_

8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10  
11 JONA DE JESUS,  
12 Plaintiff,

13 vs.

14 DESIGNED RECEIVABLE  
15 SOLUTIONS, INC.,  
16 Defendant.

Case No.

SACV12 1522 AG (RNBx)

COMPLAINT

17  
18  
19 COMES NOW PLAINTIFF JONA DE JESUS and respectfully submits her  
20 complaint as follows:

21 JURISDICTION

22 1. This is an action under the Fair Debt Collection Practices Act,  
23 (hereinafter "FDCPA"), 15 U.S.C. § 1692a *et seq.*, which prohibits debt collectors  
24 from engaging in abusive, deceptive, and unfair practices. Jurisdiction in this case  
25 arises under 28 U.S.C. § 1331 and is founded upon 15 U.S.C. § 1692k which  
26 grants the United States District Courts jurisdiction to hear this action without  
27 regard to the amount in controversy. Supplemental jurisdiction exists for the state  
28 law claim under 28 U.S.C. § 1367.

**THE PARTIES**

2. Plaintiff JONA DE JESUS (hereinafter “plaintiff”), a natural person and adult, is a consumer as defined by the FDCPA, 15 U.S.C. § 1692a (3).

3. Upon information and belief, Defendant DESIGNED RECEIVABLE SOLUTIONS, INC. (hereafter “defendant”), a corporation organized under the laws of the State of Nevada, is and was, at relevant times herein, engaged in the business of collecting debts within the above-captioned judicial district and operates a place of business located in the State of California.

4. Upon information and belief, defendant is a debt collector as defined by the FDCPA, 15 U.S.C. § 1692a (6), because, upon information and belief, defendant collects, or attempts to collect, debts incurred, or alleged to have been incurred, for personal, family, or household purposes using the U.S. Mail, telephone and internet.

**FACTUAL ALLEGATIONS**

5. On or about February 26, 2011, plaintiff received written correspondence from defendant, dated February 22, 2011, addressed to plaintiff at an address located in the above-captioned judicial district, alleging that plaintiff owed a debt (hereinafter “alleged debt”) and demanding that plaintiff pay the alleged debt.

6. On or about February 28, 2011, plaintiff provided notification to defendant by and through written correspondence, dated February 28, 2011, that plaintiff disputed the alleged debt in its entirety and that validation of the alleged debt was requested from defendant. Upon information and belief, defendant received said correspondence (hereinafter “plaintiff’s request”) on or about March 1, 2011 as noted in United States Postal Service records.

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1           7.     Upon information and belief, defendant has never provided  
2 verification of the alleged debt to plaintiff despite defendant's receipt of plaintiff's  
3 request because, to date, plaintiff has never received any such verification from  
4 defendant.

5           8.     Despite defendant's receipt of plaintiff's request on or about March 1,  
6 2011 and despite not providing verification of the alleged debt to plaintiff pursuant  
7 to plaintiff's request, defendant placed negative reports concerning the alleged debt  
8 on one of plaintiff's national consumer credit reports each and every month, from  
9 September of 2011 through August of 2012. Additionally, defendant placed  
10 negative reports on one of plaintiff's other national consumer credit reports in the  
11 months of September of 2011, February of 2012, March of 2012, May of 2012, and  
12 August of 2012

13           9.     As a result of the acts alleged above, plaintiff suffered anxiety,  
14 embarrassment, humiliation, anger and frustration.

15                           **FIRST CLAIM FOR RELIEF**

16                                   (For FDCPA Violations)

17           10.    Plaintiff repeats and realleges and incorporates by reference  
18 paragraphs 1- 9 above.

19           11.    Defendant violated the FDCPA by violating 15 U.S.C § 1692g(b) of  
20 the FDCPA by continuing the collection of the alleged debt through placing  
21 negative reports concerning the alleged debt on plaintiff's national consumer credit  
22 reports after defendant's receipt of plaintiff's request and before providing  
23 verification of the alleged debt to plaintiff.

24                           **SECOND CLAIM FOR RELIEF**

25                                   (Violations of the Rosenthal Act)

26           12.    Plaintiff repeats and realleges and incorporates by reference  
27 paragraphs 1-11 above.

28    //

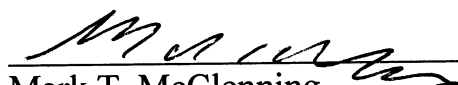
1           13. Defendant knowingly and willingly violated California's Rosenthal  
2 Fair Debt Collection Practices Act (hereinafter "The Rosenthal Act"), California  
3 Civil Code §1788 *et seq.* Defendant violated the Rosenthal Act by violating 15  
4 U.S.C § 1692g(b) of the FDCPA as prohibited by California Civil Code §1788.17  
5 by continuing the collection of the alleged debt through placing negative reports  
6 concerning the alleged debt on plaintiff's national consumer credit reports after  
7 defendant's receipt of plaintiff's request and before providing verification of the  
8 alleged debt to plaintiff.

9                                   **PRAYER FOR RELIEF**

10           WHEREFORE, plaintiff respectfully prays that judgment be entered in  
11 plaintiff's favor and against defendant for the following:

- 12           A. Actual damages pursuant to 15 U.S.C. § 1692k;  
13           B. Statutory damages pursuant to 15 U.S.C. § 1692k and/or California  
14 Civil Code § 1788.30(b);  
15           C. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k  
16 and/or California Civil Code § 1788.30(c); and  
17           D. For such other and further relief as may be just and proper.

18  
19           DATED: August 30, 2012

20                                     
21                                   Mark T. McClenning  
22                                   Attorney for Plaintiff  
23                                   Jona De Jesus  
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26  
27  
28

Mark T. McClenning, CA SBN 206177  
 Attorney at Law  
 602 13th Street NW, Mandan, ND 58554  
 Telephone: (701) 214-5736  
 Email: McClenningLaw@gmail.com  
 Attorney for plaintiff Jona De Jesus

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

JONA DE JESUS

CASE NUMBER

PLAINTIFF(S)

SACV12 1522 AG (RNBx)

v.

DESIGNED RECEIVABLE SOLUTIONS, INC.

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Mark T. McClenning, Esq., whose address is 602 13th Street NW, Mandan, ND 58554. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 12 2012

Dated: \_\_\_\_\_

Clerk, U.S. District Court

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) JONA DE JESUS	<b>DEFENDANTS</b> DESIGNED RECEIVABLE SOLUTIONS, INC.
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Mark T. McClenning, Attorney at Law, CA SBN 206177 602 13th Street NW, Mandan, ND 58554 (701) 214-5736 / McClenningLaw@gmail.com	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding    
 ☐ 2 Removed from State Court    
 ☐ 3 Remanded from Appellate Court    
 ☐ 4 Reinstated or Reopened    
 ☐ 5 Transferred from another district (specify):    
 ☐ 6 Multi-District Litigation    
 ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:**     **JURY DEMAND:** ☐ Yes     ☒ No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION under F.R.C.P. 23:** ☐ Yes     ☒ No    
 **MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Fair Debt Collection Practices Act, ("FDCPA"), 15 U.S.C. § 1692a et seq., which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices

**VII. NATURE OF SUIT** (Place an X in one box only.)
 

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <div style="background-color: #e0e0e0; text-align: center;"><b>REAL PROPERTY</b></div> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <div style="background-color: #e0e0e0; text-align: center;"><b>PERSONAL INJURY</b></div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <div style="background-color: #e0e0e0; text-align: center;"><b>IMMIGRATION</b></div> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <div style="background-color: #e0e0e0; text-align: center;"><b>PERSONAL PROPERTY</b></div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <div style="background-color: #e0e0e0; text-align: center;"><b>BANKRUPTCY</b></div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="background-color: #e0e0e0; text-align: center;"><b>CIVIL RIGHTS</b></div> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <div style="background-color: #e0e0e0; text-align: center;"><b>FORFEITURE / PENALTY</b></div> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <div style="background-color: #e0e0e0; text-align: center;"><b>PROPERTY RIGHTS</b></div> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="background-color: #e0e0e0; text-align: center;"><b>SOCIAL SECURITY</b></div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <div style="background-color: #e0e0e0; text-align: center;"><b>FEDERAL TAX SUITS</b></div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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SACV12 1522

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	North Dakota

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note:** In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date August 30, 2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Andrew Guilford and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

**SACV12- 1522 AG (RNBx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☒ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.